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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1745 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO  
No
  2. To be referred to the Reporter or not? No :
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO  
No
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
  5. Whether it is to be circulated to the Civil Judge? No :

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MALEKSAB DADAMIYA THRO HIS HEIRS

Versus

RABARI JIVIBAI NATHUBHAI  
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Appearance:

MR JS ADHYARU for Petitioners  
MR BR PARIKH for Respondent No. 1  
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CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 11/02/2000

ORAL JUDGEMENT

1. This is landlords' revision under Section 29(2) of the Bombay Rent Act against concurrent judgments of the trial Court as well as Appellate Court.

2. List has been revised four times. None had appeared on behalf of the revisionist. Shri B.R.Parikh appears for the tenant respondent No.1. He has been heard.

3. Shri Parikh informs that the tenant respondent, who was the only tenant in the disputed accommodation expired on 15.9.1993. This revision was filed in the year 1984, but till date no application for substitution of legal representative of deceased tenant - respondent has been moved by the revisionist. Shri Parikh further informs that on 16.10.1993 compromise was arrived at between the landlord - revisionist and the legal representatives of the deceased tenant in which inter-alia it was agreed that because the heirs of the tenant have delivered vacant possession of the disputed accommodation to the landlords, the landlords will get this revision either dismissed or dismissed as withdrawn. He has shown me the copy of compromise with him.

4. In the aforesaid circumstances non substitution of legal representatives of the deceased respondent has abated this revision and also in view of the statement made by Shri Parikh, nothing survives in this Revision. For these two reasons the Revision is dismissed. No order as to costs. Shri Parikh prays that xerox copies of compromise dated 16.10.1993 and Death Certificate be kept on record. As such these two papers will form part of the record.

sd/-

Date : February 11, 2000 ( D. C. Srivastava, J. )

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